CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

72-C-144 consolidated w/

D. C. Form No. 106A Rev.

ATTORNEYS TITLE OF CASE For plaintiff: #48712 Pro Se: P. O. Box 97 Luther Jarold Goad, Jr. McAlester, Okla. 74501 VS (c/o Harold Wilson, Asso. Warden) (Okla. State Penitentiary) Bendpolis and land United States of America The Continental Insurance Co. of New York Intervenor (Continental Ins. Co. of NY John Roark, Atty-in-Fact 1810 Commerce Street, Dallas, Texas 75201) P.O. Box 4544, Julsa, Okla. For defendant: Dale McDaniel Whitten and McDaniel (for Continental 642 NBT Bldg. 2626 21258 Tulsa, Oklahoma 587-4488 Nathan G. Graham 460 U. S. Courthouse NAME OR

	STATISTICAL RECORD	COSTS		DATE	RECEIPT NO.	LEC.	DI	SB.
=	J.S. 5 mailed 4-1-71 7-1-72	Clerk					1	
	J.S. 6 mailed 2-1-72	Marshal			·			
_ *	Basis of Action: Writ of Replevin	Docket fee	- N		3			
	-	Witness fees						
	Action arose at: Tulsa	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
	Forma Pauperis affidavit, filed. js	
3-16-71	Order that petition is permitted to prosecute proceeding to con- clusion without pre-payment of fees, filed. (FD-J)m Writ of Replevin, filed. m	
3-16-71 3-1/-/I	Writ of Replevin, filed. m  Copy or letter to the U.S.A. that it respond to the plaintiff's writ	Account of the Control of the Contro
2-T1-1T	of replevin, with authorities relied upon within 20 days from date.	Market introduced
	(FD-J)b	ASTURAÇÃO DE LA CONTRACTOR DE LA CONTRAC
3-23-71	Response, filed. (by U.S.A.)js	полимент пол
3+30-71	Order, filed, (Also in 69-CR-13) that petitioner Goad within 20 days from date set forth by a supplemental pleading in this case the	The control of the co
	jurisdiction of this Court to entertain his "Writ of Replevin" and	manua manana na
	his right to said money. b (copies mailed to Fox, Page, Roark, Graha	n
h 0 61	& Goad)b	The state of the s
4-2-71	Petitioner's rebuttal of response, filed. copy handed to U.S. Atty, Nathan Graham.	AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA
4-2-71	Plaintiff's letter to Judge Daugherty, that he disqualify himself,	
s home f mile	filed, that he be present. b	
4-2-71	Copy of letter to Goad, from Judge Daugherty in re above letter. fil	ed.b
5-14-71	Letter from Goad to Judge Daugherty filed, in regard to filing a	
5-14-71	supplemental pleading being filed. (B Copy of letter to Goad, from Judge Daugherty alowing 20 days from	
ノーエサーノエ	date to file supplemental pleading setting forth the two matters	
	required by the Court. (FD-Judge) b	
5-18-71	Application of The Continental Insurance Company of New York,	
	for intervention and application for order for release of funds,	
5-19-71	Brief in support of application to intervene, filed. m	
5-26-71	Order, filed, that Continental Ins. Co. of N.Y. is ordered to file	
	complaint in intervention & upon receipt of complaint the Court will then rule on application for intervention. (FD-J)m (copies mailed)	A
6-4-71	Plaintiff's supplement pleading, filed. ds	- 1877 S
6-4-71	'Complaint in Intervention (Continental Ins. Co.) file. r	
6-8-71	Order directing clerk to mail Application in Intervention and Comple	eint
	in Intervention to the Petitioner, whereupon the Court will give co	h-
	sideration to Appl. to Intervene of the Continental Ins. Co. of N.Y	
6-9-71	(FD-J)r Filed. Lead to Atty of the Lord Response, letter of petitioner re Appl. to intervention, filed. r	
7-2-71	Order, allowing Cont. Ins. Co. of N.Y. to Intervention, Illed. P	
a new Empr	are directed to file an answer responding to Complaint in Intervent	ion
	within 20 days from this date. (FD-J) Filed. r Popular on the all	All the said
7-2 0-71	Plaintiff's response to Intervener, filed. ds	
<b>7-22-71</b> 8-24-71	Deft's Answer to the Complaint in Intervention, filed, r	
U=C+=/1	Case set for Pre-Trial Hearing on Wednesday, September 8, 1971 at 10:30 A.M. (FD-J)r	
8-30-71	Copy of Letter dated 8-30-71 to Luther Jarold Goad Jr from H S	
	Actorneys is office, enclosing a copy of the answer filed on 7-22-71	
,	(mailed to Goad. ) Filed. r	
9-1-71	Letter dated 8-30-71 from Luther Jarold Goad, Jr., requesting per-	
9-3-71	mission to appear in hearing set for 9-8-71. Filed. r	
ـ ا ر ر	Ordered by the Court that this case is stricken from Docket of September 8, 1971. Court excuses a pre-trial conference herein.	
	To be set on Non-Jury Docket. (FD-J)r ( All Contended herein.	
	4. 1. 1. 2.	
	(OVER)	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
9-3-71	Copy of Letter dated 9-2-71 from J. D. to Luther Goad, Jr. advising that the pre-trial hearing has been stricken on 9-8-71, and case to be set for non-jury trial in near future. Filed, r	
10-4-71	Letter dated 971 from Luther J. Goad, Jr. to J.D. requesting that all notices of trial set, be sent to him in c/o Harold Wilson, Asso. Warden and he states that he will be present in all hearings, Filed. r	
10-4-71	Copy of letter dated 10-1-71 to Luther J. Goad, Jr. from J.D. stati that Mr. Goad will be given proper notice of the non-jury trial - when set. Filed. r	
2-18-72 3-15-72	Case set for Non-Jury on Wednesdy, March 15, 1972 at 1:30 P.M. (FD-J Case called for non-jury trial and passed by agreement of counsel, a by motion of the court, to be reset at later date. Petitioner not process.	nd
3=17 <b>-</b> 72	Copy of letter dated 3-16-72 from J. D. to Luther J. Goad, Jr. stati that case will be set on next N-J trial docket. Court request that Mr. Goad states whether he intends to appear at next setting. The Court intends to hear and decide the controversy on next setting. Fi	ng `
3-24-72	Letter dated 3-2-72 from Luther Goad to J. D. stating that the Warde stated he must have a court order to appear on 3-15-72., filed. r (Copies mailed to U.S.Atty, and Atty for Cont. Ins. Co.)	n
3-30-72 3-31-72	Case set for Non-Jury trial, Wednesday, 4/19/72 at 1:30 p.m. (FD-J) order for Writ of Habeas Corpus Ad Testificandum, filed, directing the asst. warden to release the Pltf to the U.S. Marshal, after Goad has sent his transp. money to the Clerk of the Court, filed. (FD-J) (copies mailed to attys, Pltf. & Warden)	
4-12-72 4-19-72	Wit of Habeas Corpus Ad Testificandum, issued. r Case called for Non-Jury. Pltf present (pro se); Deft USA rep by Nathan Graham; Deft Intervenor rep by Dale McDaniel and John Roark. Parties announce ready. Opening statement were deferred. Pltf rests without any evidence. U.S.A. states they will dispose of the money as court finds. Due to insufficient evidence of both Pltf and Deft Intervenor, cmpt is dismissed without prejudice. Pltf states that does intend to appeal. (FD-J)r	
7-19-72 4-19-72	Judgment on Decision by the Court for neither party, filed and enter (JHP-Clerk) r (copies mailed to all parties) Defts' exhibits No. 1 thru No. 3, in filed.	ed.
5-25-72 6-1-72	CC Order of USCA, 10th Circuit denying Luther Goad leave to proceed on appeal in forma pauperis, filed. g & the state of t	
6-6-72	(USM \$53.91) rim Order filed, consolidating Case No. 72-C-144 with Case No. 71-C-67. It is also ordered that the Motion of Estoppel is Overruled. Filed. (FD-J)r (copies mailed)	
6-8-72	Letter dated 6-4-72 from Luther J. Goad to Judge, requesting continuof 60 days to answer said summons of 4-27-72, filed. r	ance
6-12-72	Ordered that Charles Vernon Waymire is granted 15 days extension of time to June 26th to answer service of summons in 72-C-144. (Clerk of Court.) ds	
6-13-72	Order, filed, that Luther Varold Goad is granted 60 days from date to file answer in 72-C-144. (FD-J)hm (copies mailed)	
	Answer of U.S.A., filed. r	
8-14-72	Plaintiff's response to amended complaint, filed. ds	
	(over)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-16-72	Order, filed, overruling Goad's motion to dismiss (part of response or answer); that pretrial conference is excused; that case will be set for non-jury trial at early date; if Goad desires to attend tria he should initiate same arrangements previously made in trial of this case; if Waymire wishes to defend, he should immediately seek leave of Court to answer out of time & if he desires to attend trial he should make arrangements with U.S.Marshal to be transported here at his own expense. (FD-J)hm (copies mailed attys & Goad & Waymire)	:
8 <b>-25-</b> 72	Case set for non-jury trial 9-20-72 at 9:30 a.m. (also cons. case	
9-7-72	#72-C-144)(FD-J)hm Application of plaintiff and intervenor, The Continental Ins. Co. of N.Y., to withdraw Exhibits 2, 3, & 4 from the appeal record in No. 69-CR-13, filed. g	
9-11-72	MINUTE ORDER: Ordered by the Court that Pltf & Intervenor (Continent Ins. Appl to withdraw Exh. 2,3,&4 from crim. case No. 69-CR-13 is granted. (FD-J)r (Parties notified by letter)	tal
9-14-72	Response (of Goad) to the Appl of the Cont. Ins. Co. of N.Y.; and a request to be returned to prison the same day of trial, filed. r//	alid
9-18-72	Order filed, denying Goad's Motion to disregard the Appl of Continent Ins. to withdraw Exhibits, filed. (FD-J)r (Copies mailed)	tal
9-18-72	Order for Writ of H.C. ad testificandum filed. (FD-J)r Writ of H.C. ad testificandum issued. r (copies of order mailed)	
9-20-72	Non-Jury Trial held. Pltf. (Luther Goad) present, pro se; Continent Ins. Co. rep. by Dale McDaniel & John Roark; Govt. rep by Jack Short Mr. Waymire is in default by Court. Parties announce ready. Court Court finds in favor of Intervenor/pltf (Continental Ins. Co.)granti them the money held in the Clerk's Office. Court directs Continent Ins. Co. to prepare the final order. Luther Goad announces to Court of his intention to appeal Court's decision. (FD-J)r	ng al
9-21-72	Writ of HClad Testificandum, ret. & filed: Luther Goad transported to Tulsa/and returned to Penitentiary at McAlester 9-20-72. (\$52.64)	CT.
9-21-72	Subpoenae, ret. & filed: served Jackie L. Acklin, Little Rock, Ark., 9-8-72; James A. Mitchell, Springfield, Mo. 9-11-72; Robert Randolph, Frank Thurman, Tulsa, Ok. 9-14-72; Jack Silver, Tulsa 9-18-72; and Clark S. Miller, Phoenix, Ariz. 9-18-72. (\$15.96)g	
9-20-72	Deft's (Continental Ins. Co.) Exhibits Nos. 1 thru 9, in file, r	
9-27-72	Judgment, filed and entered, awarding the sum of \$10,259.82 being he by Clerk as evidence in 69-CR-13, to the party The Continental Ins. Co. of N.Y. & the Clerk of Court is ordered to make disbursement the	reof,
10-2-72 10-2-72	Filed and Entered. (FD-J)r (copies mailed to all parties) Notice of appeal, with affd. to proceed in forma pauperis, filed. cpies to USCA and counsel. g Corrected Judgment, filed and entered, that Clerk of this Court upon litigation becoming final is ordered to deliver Govt's exhibits 22 &	this
	in Cr. 69-CR-13, representing the sum of \$10,259.82 in cash, to Cont Ins. Co. of N.Y., obtaining therefor a proper receipt in this case, filed and entered. (FD-J)r (Copies mailed)	
10-5-72	Receipt for Money (Continental Ins. & Dale McDaniel,) filed. js	

DATE	PROCEEDINGS	Date Order of Judgment Not
10-5-72	Order filed, that the party, Goad is denied the right to appeal here in forma pauperis, filed. (FD-J)r (Copies mailed) cpy to USCA	in
2-18-72	C.C. of Order of USCA denying Goad's motion to appeal in forma pauperis, filed. g	

DATE	PROCEEDING	38	Date Order of Judgment Note
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